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FACSIMILE COVER SHEET

FAX NO : (571) 273-8300

TO: Commissioner for Patents

Mail Stop: Amendment

FROM: Michael J. Marcin, Esq. of Fay Kaplun & Marcin, LLP

DATE: November 20, 2008

SUBJECT: U.S. Patent Appln. Serial No. 10/598,074

Audio Interval Training Device

Phillips Ref.: US040129

NUMBER OF PAGES INCLUDING COVER: 12

MESSAGE:

Please see attached.

Thank you.

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Attorney Docket: US040129

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Ogg et al.

Serial No. : 10/598,074

Filed : August 17, 2006

For : Audio Interval Training Device

Group Art Unit : 3764

Examiner : Andrew M. Tecco

Confirmation : 9809

Mail Stop: Amendment Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

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I hereby certify that his paper is being facsimile transmitted to the:

Mail Stop: Amendment Commissioner for Patents Alexandria, VA 22313-1450 Fax (571) 273-8300

on the date shown below:

Date: November 20, 2008

Michael J. Marcin, Reg. No. 48,198

TRANSMITTAL

Transmitted herewith please find an Amendment in response to the Non-Final Office Action mailed on August 20, 2008 for filing in the above-identified application. No fees are believed to be required. However, the Commissioner is hereby authorized to charge any additional required fees to the Deposit Account of Fay Kaplun & Marcin, LLP No. 50-1492. A copy of this paper is enclosed for that purpose.

Respectfully submitted,

Dated: November 20, 2008

Michael J. Marcin (Reg. No. 48,198)

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Mail Stop: Amendments Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT

In response to the Non-Final Office Action mailed August 20, 2008, please enter the following amendments and consider the following remarks: